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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,635	07/08/2003	Robert R. Hollis	48899/WPC/A647	1437

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EXAMINER
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ISSING, GREGORY C

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p><b>Office Action Summary</b></p>	<b>Application No.</b> 10/615,635	<b>Applicant(s)</b> HOLLIS ET AL.	
	<b>Examiner</b> Gregory C. Issing	<b>Art Unit</b> 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-16,24,25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-16, 24, 25, and 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-7, 9-16, 24, 25, and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (6,701,252).

3. The rejection is set forth in the previous Office Action.

4. Applicant's argument with respect to Brown consists of the allegation that Brown does not disclose the limitations of the claims by reiterating claim 1 substantially in its entirety and arguing that Brown involves an antenna above the water and a display below the water. Firstly, the reiteration of the claim substantially in its entirety fails to particularly point out how the claim distinguishes over the prior art. Secondly, only claim 1 defines a GPS receiver within a waterproof housing wherein the GPS receiver includes an antenna. The claim language does not necessarily provide that the antenna is within the same waterproof housing in the same manner that the flow meter (claims 6, 7) and second pressure transducer (claim 9), which is part of the air tank, are not within the waterproof housing. With respect to claim 11, the GPS receiver which measures the longitude and latitude, of Brown is within a waterproof housing; thus, the limitations of claim 11 are met. The method of claim 24 does not recite anything with respect to the applicant's argument and thus the rejection is maintained. Additionally, Brown discloses that it is known to combine a GPS receiver 2 with a personal computer 3 that may be enclosed within a waterproof housing (col. 2, lines 55-60). Brown also discloses the user carrying both a waterproof antenna enclosure and a waterproof GPS enclosure under water such that the antenna is only released at the desire of the diver. In this instance, position is clearly determined when the diver is at the surface since it can receive GPS signals, descends for a dive, and subsequently returns to the surface. Thus, the applicant's argument fails to particularly show how the claim limitations distinguish over the prior art to Brown.

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5. Claims 1, 3, 5, 9, 11-14, 16, 24, 25, and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by McGeever, Jr. (2004/0022129).

6. The rejection is set forth in the previous Office Action.

7. Again, Applicant only argues an apparent limitation of claim 1 since the sole argument/statement includes a description of McGeever, Jr. using a SCUBA Flag/Antenna Float on the surface of the water. This argument is not convincing.

8. Firstly, the reiteration of the claim substantially in its entirety fails to particularly point out how the claim distinguishes over the prior art. Secondly, only claim 1 defines a GPS receiver within a waterproof housing wherein the GPS receiver includes an antenna. The claim language does not necessarily provide that the antenna is within the same waterproof housing in the same manner that the flow meter (claims 6, 7) and second pressure transducer (claim 9), which is part of the air tank, are not within the waterproof housing. Thirdly, McGeever, Jr. discloses each of the GPS processor and the GPS antenna being within a waterproof enclosure and additionally teaches alternative embodiments where they are both contained in the same enclosure or separate enclosures. Thus, the limitation of claim 11, wherein the means for measuring longitude and latitude, i.e. the GPS receiver, is enclosed within a waterproof enclosure is taught by McGeever, Jr. Lastly, the method of claim 24 is not argued and is met since a waypoint of the initial dive location is made, wherein the use of GPS for defining waypoints is conventional and the definition of a waypoint is a stored location point, the dive begins by descending into the water, and a divelog is made. Thus, the applicant's argument fails to particularly show how the claim limitations distinguish over the prior art to McGeever, Jr.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. King is again cited for its teaching of a GPS receiver device that may be integrated with conventional dive computers, wherein Figure 5 exemplifies some of the elements included in the diver navigation system 23 including a GPS receiver that determines longitude and latitude info, a

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compass providing angular info, a depth sensor for measuring depth, a flowmeter, a display, and means for measuring angular information with respect to a buoy.

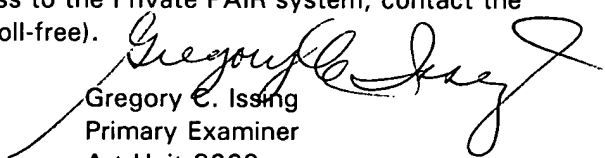
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is 703-306-4156 (as of Apr 4, 2005, my new number will be 571-272-6973). The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 703-306-4171 (as of Apr 4, 2005, new number will be 571-272-6979). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gregory C. Issing  
Primary Examiner  
Art Unit 3662

gci